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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,874	09/28/2001	Yoshihisa Suzuki	011299	1462

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,874

Applicant(s)

SUZUKI ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by either JP 10-283645, or JP 08-306052.

Either of these systems depict in this environment the ability of having a temperature detector and function recited, as well as the ability of resetting, by use of appropriate control elements integrated/supervised by a controller (microcomputer, etc), the claimed offset value (either focus or tracking).

8. Claims 4 and 24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the art as relied upon above with respect to claim 1 and either further considered with JP 2000-236188.

Although it isn't clear from either of the above primary references that the laser output itself is compensated for as opposed to the offset values for either tracking and/or focusing, the examiner

interprets such dc gain of the amplifier as being both the laser output and offset correction as required by claim 4. Alternatively, if applicants' can convince the examiner that such is not a proper interpretation of either of the primary references, then under 103 grounds the examiner would further rely upon JP 2000-236188 as teaching such separate control ability.

It would have been obvious to modify the base system of either of the primary references with the above additional teaching from JP 2000-236188, motivation is to control the laser output as well as the offset abilities.

no
rep.
art.
to bear
output
level
102 over
ref. rep.
no error!

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9. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 4 above, and further in view of the discussion in Simozato with respect to JP documents listed therein.

Claim 5 requires the existence of a table. Although such is not properly presented (minor 112 problems with respect to antecedence), Simozato at col. 2 lines 55 plus discusses the prior art JP systems, which provide for storage of "tables". Since the primary references use computers which inherently have appropriate storage elements (roms, rams, etc) the storage of "tables" as opposed to just the storage of data is considered to be an obvious modification as presented by the discussion of these prior art systems.

It would have been obvious to modify the base system of the art as relied upon with respect to claim 4 and modify such with the above additional table teaching as discussed in the above noted passage in Simozato, motivation is to take advantage of the computer's ability to store as much data as desired.

With respect to what data is contained in the table – as specified by claim 6, such flows from the above combination of references.

10. Claims 7-9, 21-23 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Masaki et al further considered with Davis/Takasugi.

Masaki et al teach in this environment a temperature sensor for detecting the system/disk drive ambient temperature – see the description of figures 7a and b. Furthermore, there is a plurality of operating conditions wherein such temperature measurements are taken, and appropriate tables are created for storing the optimum power levels required for proper system operation.

Under 102 considerations the examiner interprets the ability of setting the appropriate power levels for any of the operating conditions (such as recording/reproducing) wherein comparison is made with a default value as meeting the second and third claimed elements and function of claim 7, i.e., the determination and resetting means.

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If applicants can convince the examiner that such elements are not inherently present, then under 103 considerations either Takasugi or Davis teach in this environment, the ability of determining by detecting the laser temp., comparison to a set value and appropriate resetting of the laser accordingly.

It would have been obvious to modify the base system of Masaki et al with the above teachings from either Davis/Takasugi motivation is to maintaining proper laser power level to permit proper system operation.

With respect to claim 8, the discussion with respect to figures 7 a & b discuss the ability of having tables. Since the overall system in Masaki et al provides for a controller (mpu) to perform the system control ability, the examiner interprets these tables to be stored in appropriate storage means.

With respect to claim 9, note the discussion in Masaki et al with respect to recording and reproducing.

- ✓ 11. Claims 10-11, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski et al further considered with either Tsutsui or JP 08-306052.

Kulakowski et al teach in this environment the ability of having operational parameters set/established for initial set up –see the discussion with respect to figures 7 & 8, mode set up and default values.

Furthermore, Kulakowski et al also provides for various sensors. – see col. 2 lines 60 plus.

→ Although various values are re-set, there is no specific mentioning of focus offset.

Either of the secondary references to Tsutsui or the above noted JP document teaches in this environment the additional ability of correcting/compensating for focus offset during temp. variations.

It would have been obvious to modify the base system of Kulakowski et al with the above teachings from either of the secondary references, motivation is to ensure proper system operation during variations in temp.

12. Claims 12-13, 21-23 and 26-27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kulakowski et al further considered with either Takasugi or Davis.

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Kulakowski et al is relied upon for the reasons stated above with respect to claim 11.

Under 102 considerations, the examiner interprets the ability of Kulakowski et al to reset his system parameters to include the resetting limitation of claims 12 and 13.

If applicants' can convince the examiner that Kulakowski et al doesn't reset the laser output as defined by these claims, then the examiner would rely upon either of the above noted secondary references – for the reasons stated above in paragraph 10.

It would have been obvious to modify the base system of Kulakowski et al with the above noted teachings from either of the secondary references, motivation is to appropriately compensate the laser output for temp. variations.

13. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al further considered with either Tsutsui or Jp 08-306052 and all further considered with either Takasugi or Davis.

Masaki et al is relied upon for the reasons stated above in paragraph 10.

There is no specific mentioning with respect to focus offset values and variations thereof as temp. variations are detected.

Either of the secondary references to Tsutsui or the above noted JP document teaches in this environment the additional ability of correcting/compensating for focus offset during temp. variations.

It would have been obvious to modify the base system of Kulakowski et al with the above teachings from either of the secondary references, motivation is to ensure proper system operation during variations in temp.

The documents of either Takasugi or Davis are relied upon for the reasons stated in paragraph 10 and are repeated herein.

~~14.~~ ^{14.} Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 24 as stated in paragraph 8 above, and further in view of either Kulakowski et al or Takagi et al.

With respect to the limitation of claim 25, although the base references use appropriate control elements (controllers/microprocessors), there is no clear description with respect to detecting the variations in temperature for a plurality of times so as to yield the limitations focusing on the "most recently measured" value.

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The examiner interprets the Kulakowski et al system as teaching in this environment the ability of providing for system operating control over different periods and hence providing for the "most recently" measured limitation of claim 25.

Alternatively, Takagi at col. 16 lines 7 plus describes a continuous measuring ability with respect to the temperature of the disc system.

It would have been obvious to modify the base system of the documents relied upon as stated in paragraph 8 above with the additional teachings from either Kulakowski et al or Takagi et al, motivation is to provide for a feedback ability on a continuous basis and hence provide for a dynamic controlled system.

Conclusion

^{15.}
~~12.~~ The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blachek et al – cold temp. compensation, Sanchez, testing laser diode temp. Variations, Kurita et al – temp. Variation control in optical disc environment, Simozato – temp. variation control in disc drive.

Hard copies of the application files are now separated from this examining corps, hence the examiner can answer no questions that requires a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
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